

***SURFACE TRANSPORTATION BOARD***

Washington, DC 20423

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Office of Economics, Environmental Analysis, and Administration

November 26, 2002

Mr. David Coburn  
Steptoe & Johnson, LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795

Re: STB Finance Docket No. 34284 – Proposed Rail Line Construction in  
Medina County, Texas – Request for Waiver of Six-Month Prefiling  
Notice

Dear Mr. Coburn:

Pursuant to 49 CFR 1105.10(c), we are granting your request of November 22, 2002 for waiver of the six month prefiling notice generally required for construction projects under 49 CFR 1105.10(a)(1).

The Surface Transportation Board's Section of Environmental Analysis (SEA) has consulted with and met with Vulcan Materials Company's (Vulcan) representatives, Mr. Darrell Brownlow, Ms. Sara Beth Watson, and yourself, regarding the proposed environmental impacts associated with the construction and operation of a new rail line in Medina County, Texas. At a meeting on November 8, 2002, Mr. Brownlow provided SEA with an overview of the project, as well as maps and photographs of the area surrounding the proposed rail line. Additionally, in your November 22 letter, you supplied detailed information regarding the potential environmental consequences of the project.

The project involves the construction of a rail line approximately seven miles in length in Medina County, Texas, from a planned limestone quarry to be operated by a subsidiary of Vulcan, southward to a connection with the Union Pacific Railroad Company (UP) near milepost 250 of UP's Del Rio Subdivision north of Dunlay, Texas. The purpose of the project is to provide rail common carrier transportation to the quarry and other industries that may wish to use the line in the future. The rail line would be operated by a wholly-owned subsidiary of Vulcan that will be incorporated as a common carrier railroad under the rail incorporation laws of Texas. The new railroad company would also construct the proposed line.

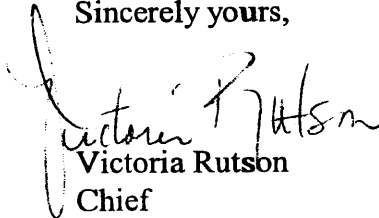
The proposed rail line would be located west of San Antonio, Texas, in a rural region that is primarily pastureland and farmland. About 300 people live in the area of the quarry and the proposed rail line, and the rail line would traverse land owned or leased by Vulcan, including a tract on which the quarry will be developed, a tract for a remote rail yard near the connection with the UP, and a tract near the quarry that would allow Vulcan to locate the fuel storage area off of the Edwards Aquifer. The proposed rail line, except for the connection with the quarry, would be located out of the Edwards Aquifer Recharge Zone, and would cross two small drainage features.

The proposed rail line would not cross major highways or any rail lines and would be designed to avoid residences and other structures. No parks or recreational areas appear to be located in areas that would be impacted by the rail line. Shipment of aggregate from the quarry via rail would result in reduced air emissions as compared to truck shipment of aggregate. You indicate that based on preliminary review, the proposed rail line is not expected to have any significant impacts on wildlife or other biological resources, water quality and historic/cultural resources.

The preceding information provided by Vulcan's representatives, and the fact that members of SEA have explained in detail the Surface Transportation Board's environmental review process to Mr. Brownlow, Ms. Watson, and yourself, lead SEA to believe that it has adequate information, and that Vulcan is sufficiently aware of the environmental review process, to grant this request.

If we can be of further assistance, please contact me or Rini Ghosh of my staff at (202) 565-1539.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Victoria Rutson", is written over the typed name.

Victoria Rutson

Chief

Section of Environmental Analysis